United Nations A/65/86

General Assembly

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Sixty-fifth session
Agenda item 144 of the preliminary list*
Administration of justice at the United Nations

Code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

Report of the Internal Justice Council

1. By its resolution 62/228, the General Assembly established the Internal Justice Council to help ensure independence, professionalism and accountability in the new system of administration of justice. In paragraph 37 (c) of that resolution the Assembly decided that the Council should draft a code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, for consideration by the General Assembly.

2. After full consultation with the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, the Internal Justice Council has drafted a code of conduct for the judges of the two Tribunals, for consideration by the General Assembly. The code is set out in the annex to the present report.

3. Signed by the members of the Internal Justice Council and submitted to the Secretary-General for transmission to the General Assembly.

(*Signed*) Kate **O'Regan**

(*Signed*) Sinha **Basnayake**

(*Signed*) Jenny **Clift**

(*Signed*) Martha Helena **Lopez**

(*Signed*) Geoffrey **Robertson**

* A/65/50.

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Annex

Code of conduct for the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal

Preamble

Whereas the Universal Declaration of Human Rights recognizes as fundamental the principle that everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of rights and obligations,

Whereas this right is endorsed and elaborated upon in a range of important international human rights instruments, including the International Covenant on Civil and Political Rights,

Whereas the General Assembly, in paragraph 4 of its resolution 61/261 of 4 April 2007, decided to establish an independent, transparent, professionalized, adequately resourced and decentralized system of administration of justice consistent with the relevant rules of international law and the principles of the rule of law and due process to ensure respect for the rights and obligations of staff members and the accountability of managers and staff members alike,

Whereas the fair resolution of employment grievances will contribute to efficiency in the work carried out by the United Nations and enhance the integrity of the Organization,

Whereas public confidence in the internal justice system and in the moral authority and integrity of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal is of the utmost importance within the working environment of the United Nations,

Whereas it is essential that judges, individually and collectively, respect and honour judicial office as a public trust, and strive to enhance and maintain confidence in the internal justice system,

And whereas the United Nations Basic Principles on the Independence of the Judiciary are designed to secure and promote the independence of judicial bodies, and can provide guidance to the internal administration of justice,

The following values and principles are adopted to establish standards for the conduct of the judges of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal, to provide guidance to those judges and to assist the staff and management of the United Nations to better understand and support the work of the United Nations Dispute Tribunal and the United Nations Appeals Tribunal within the United Nations:

1. Independence

(a) Judges must uphold the independence and integrity of the internal justice system of the United Nations and must act independently in the performance of their duties, free of any inappropriate influences, inducements, pressures or threats from any party or quarter;

(b) In order to protect the institutional independence of the Tribunals, Judges must take all reasonable steps to ensure that no person, party, institution or State interferes, directly or indirectly, with the Tribunals;

2. Impartiality

(a) Judges must act without fear, favour, or bias in all matters that they adjudicate;

(b) Judges must ensure that their conduct at all times maintains the confidence of all in the impartiality of the Tribunals;

(c) Judges must recuse themselves from a case if

(i) They have a real conflict of interest or are actually biased;

(ii) It may reasonably appear to a properly informed person that they have a conflict of interest or bias;

(iii) They have personal knowledge of disputed evidentiary facts concerning the proceedings;

(d) Judges must not recuse themselves on insubstantial grounds. Judges must provide reasons when they decide an application for recusal;

(e) Judges must disclose to the parties in good time any matter that could reasonably be perceived to give rise to an application for recusal in a particular matter;

(f) Judges must not participate in the determination of a case in which any member of their family is a litigant or represents a litigant, or in the outcome of which any member of their family has a significant interest;

(g) In order to determine whether they should recuse themselves from any matter, judges must be aware of their personal and fiduciary financial interests and shall, as far as reasonably possible, make efforts to be informed about the financial interests of members of their immediate families;

(h) (i) Judges must not directly or indirectly negotiate or accept any remuneration, income, compensation, gift, advantage or privilege that is incompatible with judicial office or that can reasonably be perceived either as a reward or as likely to influence them in favour of a particular party;

(ii) Judges may receive a token gift, decoration, award or benefit that does not result in the incompatibility or reasonable perception referred to in subparagraph (i);

(i) Judges must not engage in financial, political or business dealings or activities, including fund-raising activities, that are inconsistent with, and reflect adversely upon, the independence and impartiality required by their status as judges, that may reasonably be perceived to exploit the judge's judicial position, or that are in any other way incompatible with judicial office in the United Nations. Should a judge be unsure whether a course of conduct would be in breach of this provision, he or she may ask the presiding judge of the Tribunal to contact the chair of the Internal Justice Council. The Council will then consider the matter and inform the judge concerned whether the proposed conduct is in conflict with this provision;

3. Integrity

(a) Judges must be of high moral character and always, and not only in the discharge of their duties, act honourably and in accordance with the values and principles set out in the present Code;

(b) Judges at all times, including periods when they are not on official business, must comply with the law of the country in which they live, work or visit;

(c) Judges must inform the presiding judge of their Tribunal should they suffer from an illness or other condition that might threaten the performance of their duties;

4. Propriety

(a) Judges must exhibit and promote high standards of judicial conduct to reinforce confidence in the integrity of the administration of justice in the United Nations;

(b) Save in the discharge of judicial office, judges must not comment publicly on the merits of any case pending before the Tribunals or make any comment that might reasonably be expected to affect the outcome of such proceedings or impair the manifest fairness of the process;

(c) Judges are bound by professional duties of confidentiality with regard to deliberations with judicial colleagues and confidential information acquired in the course of their duties;

(d) Judges, like other citizens, are entitled to freedom of expression, belief, association and assembly, but must exercise these freedoms with due regard to the values and principles set out in the present Code;

(e) Judges must not use or lend the prestige of judicial office to advance the private interests of the judge, a member of the judge's family or anyone else, nor shall judges convey the impression that anyone is in a position to influence them improperly;

(f) In their personal relations with individual staff members who are parties, legal representatives and others who appear regularly in the Tribunal presided over by them, judges must avoid situations which might give rise to the reasonable apprehension of favouritism or partiality;

(g) Full-time judges of the United Nations Dispute Tribunal must not practice law, but may give informal advice to family members, friends, charitable organizations and the like without remuneration;

(h) Judges should use their best endeavours to foster collegiality in the Tribunals. In so doing they must act courteously and respect the dignity of others, including members of the Tribunal staff;

(i) Judges may form or join associations of judges;

(j) Subject to the proper and effective performance of judicial duties, a judge may engage in any lawful activity as long as it does not bring judicial office in the United Nations into disrepute in the mind of reasonable members of the community;

5. Transparency

Judges must observe the principle of open justice, namely that justice must be seen to be done, and take reasonable steps to ensure that this principle is honoured in the manner in which cases before the Tribunals are handled;

6. Fairness in the conduct of proceedings

(a) Judges must resolve disputes by making findings of fact and applying the appropriate law in fair proceedings. This includes the duty to

(i) Observe the letter and spirit of the *audi alteram partem* ("hear the other side") rule;

(ii) Remain manifestly impartial;

(iii) Publish reasons for any decision;

(b) Judges must not conduct themselves in a manner that is racist, sexist, or otherwise discriminatory. They must uphold and respect the principles set out in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Convention on Civil and Political Rights. Judges must not by word or conduct unfairly discriminate against any individual or group of individuals, or abuse the power and authority vested in them;

(c) Judges must not permit Tribunal staff or legal representatives appearing before the Tribunals, or others under their direction or control, to act in a manner that is racist, sexist, or otherwise discriminatory;

(d) Judges have a duty to protect witnesses and parties from harassment and bullying during Tribunal proceedings;

(e) When conducting judicial proceedings, judges must act courteously to legal representatives, parties, witnesses, Tribunal staff, judicial colleagues and the public, and require them to act courteously;

(f) Judges must maintain order in Tribunal proceedings. Where necessary, they may have any person removed from the proceedings who disrupts or threatens to disrupt the orderly administration of justice;

7. Competence and diligence

(a) Judges perform all assigned judicial duties, including tasks relevant to the judicial office or the operation of the Tribunals, diligently and dispose of judicial work promptly in an efficient and professional manner;

(b) Judges must give judgement or rulings in a case promptly. Judgements should be given no later than three months from the end of the hearing or the close of pleadings or, in the case of the United Nations Appeals Tribunal, from the end of the session in which the matter is decided, unless there are exceptional circumstances;

(c) Judges must cooperate with any formal inquiry into their conduct in office;

(d) Judges must not engage in conduct that is prejudicial to the effective and expeditious administration of justice or the work of the Tribunal;

(e) When engaged in the administration of justice, judges must attend chambers during their normal working hours, as determined by the members of the Tribunal, and attend hearings and deliberations of the Tribunal during stipulated hours, unless they have a good reason not to do so. Judges must inform the presiding judge of the Tribunal in advance if they need to be absent. If they are to be absent for longer than three days, they must obtain the approval of the presiding judge of their Tribunal;

(f) Judges must respect and comply with the reasonable administrative requests of the presiding judge of the Tribunal of which they are members;

(g) Judges must take reasonable steps to maintain the necessary level of professional competence and to keep themselves informed about relevant developments in international administrative and employment law, as well as international human rights norms;

(h) Judges' judicial duties must take precedence over other duties and activities.

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General Assembly

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21 June 2010

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Sixty-fifth session
Item 69 (b) of the preliminary list*
Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Working Group on the Right to Development on its eleventh session (Geneva, 26-30 April 2010)

Note by the Secretariat

The General Assembly, in its resolution 64/172 entitled "The right to development", invited the Chair of the Working Group on the Right to Development of the Human Rights Council to present a verbal update to the Assembly at its sixty-fifth session. In this context, the present note draws the attention of the Assembly to the report of the Working Group on its eleventh session, held in Geneva from 26 to 30 April 2010, contained in document A/HRC/15/23.

* A/65/50.

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Sixty-fifth session
Item 20 of the preliminary list*
Sustainable development

Letter dated 21 June 2010 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

I have the honour to transmit to you herewith the Dushanbe Declaration on Water, the outcome of the High-level International Conference on the Midterm Comprehensive Review of the Implementation of the International Decade for Action, "Water for Life", 2005-2015, held in Dushanbe on 8 and 9 June 2010 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 20 of the preliminary list of items to be included in the provisional agenda of the sixty-fifth session.

(*Signed*) Sirodjidin **Aslov**
Ambassador
Permanent Representative

* A/65/50.

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Annex to the letter dated 21 June 2010 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

Dushanbe Declaration on Water

Outcome of the High-level International Conference on the Midterm Comprehensive Review of the Implementation of the International Decade for Action, "Water for Life", 2005-2015, held in Dushanbe on 8 and 9 June 2010

1. Upon the invitation of the Government of Tajikistan and as welcomed by the General Assembly in its resolution 64/198, Heads of State and Government, ministers, government delegations, heads of United Nations entities, representatives of international and regional financial institutions, civil society and the business community from 75 countries came together at the High-level International Conference on the Midterm Comprehensive Review of the Implementation of the International Decade for Action, "Water for Life", 2005-2015, convened in Dushanbe on 8 and 9 June 2010.

2. The Conference focused its in-depth deliberations on six themes: (a) accelerating progress towards water-related internationally agreed development goals, including the Millennium Development Goals, ensuring the involvement of women; (b) transboundary water cooperation; (c) water quality; (d) water resources, adaptation to climate change and disaster risk reduction; (e) sustainable financing; and (f) integrated water resources management, energy, agriculture and food security. It also built on the outcomes of the high-level interactive dialogue of the sixty-fourth session of the General Assembly, held in New York on 22 March 2010, World Water Day.

3. The outcome of the Conference consists of a number of important conclusions and recommendations, contained in the present Dushanbe Declaration on Water.

4. The Government of Tajikistan will submit the Dushanbe Declaration on Water to the General Assembly at its sixty-fifth session for appropriate consideration.

5. The Conference reaffirmed the critical importance of water for environmental protection and sustainable development, including poverty and hunger eradication, public health, food security, hydropower, and agricultural and rural development. The Conference renewed the commitments made to achieve the internationally agreed upon goals on water and sanitation, including those contained in the United Nations Millennium Declaration, the provisions of Agenda 21 and the Plan of Implementation of the World Summit on Sustainable Development ("Johannesburg Plan of Implementation"), stressing the need to include water and sanitation as national priorities in sustainable development and poverty eradication strategies. The Conference took note of the ministerial declarations of the Fifth World Water Forum. The work done within the United Nations system in supporting countries to reach the aforementioned goals was also recognized. The decisions and resolutions of relevant United Nations organs, organizations and bodies regarding water, sanitation and other related issues were highlighted by the Conference.

6. The Conference recognized the importance of the multilateral frameworks established under the auspices of the United Nations to address all issues related to water and sanitation, to promote cooperation among riparian States through both bilateral and multilateral arrangements, and to ensure an appropriate follow-up of those issues, in line with the commitments made in that regard, as reflected, inter alia, in Agenda 21 and the Johannesburg Plan of Implementation.

7. The Conference noted the achievements during the first five years of the International Decade for Action, "Water for Life", 2005-2015, on the implementation of water-related programmes and projects. These achievements were made possible by various efforts by developing countries, the donor communities and various United Nations and international organizations and civil society organizations. The Conference also noted that many major obstacles resulted from the persisting challenges and the new issues emerging from the recent global crises, including the energy, food and financial crises, coupled with the increasing impact of climate change. In this context, the Conference highlighted a number of issues, as set out below.

8. Sustainable use, management and conservation of surface and groundwater resources is vital for achieving progress on all fronts of economic and human development and for safeguarding water quality and ecosystems and the life-supporting goods and services that they provide to humanity.

9. Water resources management issues need to be addressed at the local, national and, as appropriate, regional and international levels. All stakeholders, including those in government, international organizations, private sector, civil society and academia, should be engaged, as appropriate, taking into account social, economic and environmental factors and paying special attention to the livelihoods of the poor and most vulnerable people. In this context, stakeholders should also strive to ensure the participation of women in water-related development efforts, to work together towards achieving the goals of the International Decade for Action, "Water for Life", 2005-2015, as decided by the General Assembly in its resolution 58/217.

10. In this context, the Conference recalled principle 2 of the Rio Declaration on Environment and Development, which states that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction. It is, therefore, the responsibility of national Governments to define appropriate policies and sufficient budgetary allocations to the water sector.

11. Water is central to achieving the Millennium Development Goals. Ensuring sustainable and equitable access to water requires addressing extremes of water availability through proper water management, as well as providing adequate sanitation and wastewater services. Commensurate policies and action on water and sanitation are essential for lifting people out of poverty, ensuring food and energy security, promoting a healthy society and contributing to sustainable development. Raising awareness of the central role of water resources in the achievement of the Millennium Development Goals calls for continued communication and outreach campaigns.

12. Progress in achieving goals to halve the number of people without access to safe drinking water, and adequate sanitation is slow and uneven. The Conference delegations reconfirm the commitment to make all efforts within their reach to attain these goals, and express their support for the initiative "Sustainable Sanitation — the Five-year Drive to 2015", proposed at the Follow-up Conference on the International Year of Sanitation, held in Tokyo on 26 and 27 January 2010.

13. The Conference calls on Governments, if they have not done so, to consider setting up national committees and designating focal points in their respective countries to facilitate and promote activities related to the International Decade for Action, "Water for Life", 2005-2015, during the second half of the Decade.

14. The lack of goals concerning the sustainable and productive uses of water and its management makes it harder for the international community to track progress; this lack is further complicated by inadequate and deteriorating networks for data collection, and challenges in sharing the data.

15. The United Nations system has an important role to play in supporting countries to achieve the goals of the International Decade for Action, "Water for Life", 2005-2015, and to meet emerging challenges by promoting cooperation at all levels and building capacity in water resources management and provisioning of drinking water supply and sanitation services. UN-Water will continue to facilitate the coordinated system-wide response necessary for the implementation of activities in support of the "Water for Life" Decade.

16. Political will and financial commitments from both national Governments and development partners should be further strengthened and be granted high priority in order to ensure the attainment of water-related international development targets during the remainder of the International Decade for Action, "Water for Life", 2005-2015, especially by developing countries, despite the persistence of the current global economic and financial crisis. In this regard, countries should appropriately prioritize water and sanitation issues during the upcoming High-level Plenary Meeting of the sixty-fifth session of the General Assembly on the Millennium Development Goals, to be held in New York from 20 to 22 September 2010.

17. International and regional financial institutions, as well as public-private partnerships, are important for mobilizing and facilitating financial flows towards various water-related activities. They should develop further mechanisms to respond adequately to the increasing demand for financial resources and for technical and institutional capacity-building.

18. South-South, North-South and triangular cooperation initiatives for water resources management should consider the different realities involved in each case. Cooperation should be fostered not only through traditional financial means but also through a broader approach, that is, by promoting the exchange of experiences, best practices and lessons learned, as well as sharing appropriate, environmentally sound technologies and know-how. Partners in development cooperation can focus assistance on areas and countries that are off track to achieve the Millennium Development Goals, focusing on water-related components of all of the Goals and other internationally agreed development goals, in accordance with national priorities and development plans.

19. A gradual and sustained implementation of integrated water resources management at the level of river basins and groundwater systems is central to meeting social, environmental and economic needs in an equitable manner.

20. Climate change affects people's livelihoods and well-being, mainly through adverse impacts on the hydrological cycle. It is vital to build resilience and reduce vulnerabilities to extreme events, namely, floods, droughts and other hydro-climatic hazards. Managing increased variability in hydrological conditions by means of structural and non-structural measures is essential. It is important to build long-term resilience through strong institutions and water infrastructure, including well-functioning ecosystems, such as forests and wetlands. It is more effective to proceed from reactive and ad hoc crisis management to proactive disaster preparedness and risk management based on adequate risk mapping and monitoring, all of which requires scientific information and new tools for decision-making. Thus, the promotion of scientific and technological development and cooperation among countries is essential and should be strengthened. The Hyogo Framework for Action (2005-2015): Building the Resilience of Nations and Communities to Disasters provides the policy framework and guidance to address these challenges.

21. The world's existing network of rainfall, snow pack, glacier and streamflow observation and monitoring systems have seriously eroded. In many cases, the density is far below international standards for meaningful prediction or interpretation of data. The shrinking information base reduces the ability to monitor water quantity and quality, predict droughts, forecast floods, understand climate change implications and to make appropriate water management plans.

22. Enhancing hydrological, hydrogeological and meteorological data collection, assessment and dissemination capabilities are crucial; such capabilities should be strengthened, including as part of the implementation of the Global Framework for Climate Services. The improvement of water resources management and scientific understanding of the water cycle through cooperation in joint observation and research, as well as, for this purpose, the promotion of knowledge-sharing and provision of capacity-building and transfer of technology, particularly to developing countries and countries with economies in transition, is crucial.

23. Adapting production and support systems to global environmental change through the development and implementation of water-saving methodologies and technologies in all sectors in need of water is of fundamental importance to ensure sustainable and efficient water resources management.

24. Innovative and modernized efficient irrigation and drainage schemes and management approaches that are technologically feasible and available for adoption, as well as environmentally sustainable, are often required to improve productivity and efficiency of water use in agriculture in order to ensure food security, eradicate poverty and hunger and protect the environment.

25. Water, as one of the sources of renewable energy, is needed to generate power, and power is needed to deliver water and many other basic services to populations. Sustainable hydroenergy generation may contribute to realizing important progress in poverty reduction, mitigating climate change, and achieving sustainable development, particularly in developing countries.

26. Protecting water quality enhances the availability of safe water. Pollution of surface and groundwater ought to be prevented through comprehensive and

innovative policies and strategies, including by increasing public awareness and outreach activities directed towards this goal, as well as holistic approaches that promote the circular use of water through cost-effective approaches, both central and decentralized, to address multiple human and environmental needs.

27. Desalination and treatment of wastewater for reuse can be strategic options in many water short areas. It is essential to make such processes sustainable, cost-effective and affordable.

28. Water resources need to be managed with appropriate planning and governance systems to ensure that infrastructural and non-infrastructural measures are effective in ensuring sustainable water use and management. Investment in these areas should be given highest priority.

29. The mobilization of financial resources from all possible sources for addressing the wide range of water issues and the promotion of public as well as private investment are of fundamental importance. Targeting financing to areas in greatest need is important. Sustainable and accessible financing strategies, including diversified credit and appropriate financial management mechanisms, ought to be promoted and implemented by international financial institutions and development partners, with due attention given to the needs and capabilities of recipients.

30. The international donor community, according to the national priorities of recipient countries, can further incorporate, as appropriate, water into the broader frameworks of development cooperation and focus assistance on areas and countries that are off track to achieve the Millennium Development Goals, focusing on the embedded and often neglected water-related components of all of the Goals.

31. Developing countries should be provided with sustained and predictable financial assistance and transfer of technology, on fair and equitable terms, according to the principle of common but differentiated responsibilities, in order to successfully address the challenges related to drinking water, environmental sanitation and the implementation of adaptation measures to climate change at the national level.

32. It is essential to improve national-level water governance through strengthened laws and regulatory frameworks, political and administrative accountability, and public participation and transparency.

33. Women and children are known to be the most adversely affected by the lack of access to safe drinking water and sanitation. Women also are rarely sufficiently involved in the decision-making processes, hence gender initiatives should be boosted in water resources management.

34. Access to safe drinking water and sanitation, which is recognized by some countries as a human right, is inextricably linked to life, health, development, food, housing, education, physical security and freedom from inhuman and degrading treatment. Its realization can be promoted through national efforts, with appropriate international support.

35. History has often shown that the vital nature of freshwater is a powerful incentive for cooperation and dialogue, compelling stakeholders to reconcile even the most divergent views. Water more often unites than divides people and societies. Riparian countries should strengthen dialogue and cooperation and take measures for the mutually beneficial and rational use of transboundary water resources on the

basis of norms, principles and legislation recognized by them. Specific and tangible steps could be taken by riparian countries, including through cooperation, in accordance with existing and future agreements. It is possible for parties with divergent interests to benefit from such resources by means of specific arrangements tailored to a given basin's characteristics.

36. Transboundary water cooperation needs to be guided by regional and international agreements and should be fostered among countries, including within existing mechanisms and modalities of water diplomacy.

37. Acknowledging that water is a cross-cutting issue, the above-mentioned conclusions and recommendations should be communicated also to the decision makers and stakeholders outside the water domain with a view to achieving broad endorsement and consensus on a common aim that requires an integrated and well-coordinated approach. Decisions in other sectors and those related to development, growth, security and livelihoods, including responses to climate change, food and energy challenges and disaster management, need to incorporate water as an integral component. Synergies should not be lost due to narrow sectoral approaches.

38. The participants express their sincere appreciation to the Government of Tajikistan for hosting the Conference and for the warm welcome and generous hospitality extended to all.

39. The Conference expresses its appreciation for the assistance and support provided by the organizations of the United Nations system and headquarters and country teams, including UN-Water, as well as other regional and international institutions, in its preparation.